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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,049	05/09/2001	Thomas R. Firman	1026-005U	4504
29973 7590 09/10/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL LLP ATTN: STEVEN M. GREENBERG, ESQ. 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER KNEPPER, DAVID D	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 09/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/852,049

Applicant(s)

FIRMAN, THOMAS R.

Examiner

David D. Knepper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17, 19, 20, 22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 19, 20, 22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 48 sheets.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's correspondence filed on 11 December 2006 has been received and considered. Claims 17, 19, 20, 22 and 24 are pending. Claims 1-16, 18, 21, 23 and 25 have been canceled.

2. Two IDS (filed 11 Dec 2006 and 8 Jan 2007) listed on forty-six (46) pages of form PTO-1449 have been considered. Most of the references did not seem relevant to the claims of the instant application. In fact, many of the references were personal communications such as letters and facsimiles which are unlikely to qualify as prior art under US law.

Annotations have been made on the pages containing initialed or lined through marking to indicate why references were not considered. Any lack of annotation should be considered as a missing reference (no copy was found).

### **Specification**

3. The disclosure is objected to because of the following informalities:

The applicants supplied Appendix C on CD-ROM in PDF format as noted on page 3 of their Remarks (applicants' page #117). However, 37 CFR 1.96(c) requires such materials to be in an ASCII format. Related ASCII formats (i.e. - most "text" (.txt) formats, Rich Text (.RTF), etc.) would suffice as alternatives. However, the Examiner does not have authority to waive the requirements of this rule and accept non-ASCII data formats. The applicant would need to file a petition under 37 CFR 1.183 to request a waiver or suspension of the rules.

The applicant filed a petition but no decision has been rendered.

### Claims

4. The rejection under 35 U.S.C. 112, first paragraph, is moot because claim 21 has been canceled.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17, 19, 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bristow (A008623, dated 1986).

As per claim 17, “recognizing voiced utterances and producing corresponding input to a program for execution on a computer” is taught with his figure 11.1, page 245:

“a voice recognizer for recognizing a new voiced utterance” (his recognizer); and

“a converter for converting said new voiced utterance to an output string for delivery as input to said computer...an evaluation of said new voice utterance and on a previous voiced utterance” (his grammar compiler of figure 11.2, page 247 – as explained in section 11.2, a grammar compiler, which will accept as its input a grammar specification... relies on a particular grammar structure having multiple words such that ...at any given time in the progress of the application program, only certain words in the vocabulary will be acceptable for input).

Claim 19: “a format to carry associated text strings as arguments...to convert a series of voiced utterances into commands with said associated text as output” is taught with his Attachment of output strings to each utterance or groups of utterances in the language (page 248).

Claim 20: “...menu selection based on said new voiced utterance or said previous voiced utterance...” is taught as noted in claim 19 above and on page 247 where he states: For example,

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if the application is menu-driven, then only those words in the current menu need to be 'listened for'...

Claim 24 is rejected under similar arguments as applied to claim 17 and 19 above. The "set of output strings" is the same as the "text strings..." noted in claim 19. The use of a "mapping from a member of said set of internal representations to a member of said set of output strings, said mapping being multiple-to-one" is taught by the flexibility of grammar based recognition performed with his grammar compiler (pages 247-252). The flexibility of a grammar is shown by example on pages 250-251 where sentences may be considered valid even if they do not follow an exact sequence of expected elements. Similarly, alternative words or pronunciations could be properly recognized as noted in claim 19 and further explained on page 249 with the combination of utterances...dynamically change...by removing or adding words and finite state machines.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. § 103 as being unpatentable over Hansen (4,776,016).

As per claim 22 Hansen teaches “a voice user interface” (see his adaptable control system, abstract and figures):

“recognizing a voiced utterance” (his voice recognition systems, col. 5, line 11);

“an interpreter...converting said voiced utterance into control signals which will cause movement of the indicator in a desired direction aided by the operating system in the computer, said movement continuing unabated until stopped by an action of the user” (suggested by his disclosed ability to move the cursor on the display through the use of voice commands, cursor control inputs or both. The cursor control inputs include cursor control button, the mouse, the digitizer, etc., col. 5, lines 26-33 – see also col. 6, lines 14, 42-46 and figures 1-2 – while Hansen does not explicitly state “movement continuing unabated until stopped by an action of the user” he does explicitly state that a user may use keys...to move the cursor on the computer screen ...or, if the user desires, the user may utilize voice commands via the microphone 33 to perform these functions – since he also teaches the use of a mouse as an alternative cursor control input, it would have been obvious to utilize typical mouse movement in combination with verbal commands for similar cursor control functionality).

It is noted that Hansen does not explicitly teach “movement continuing unabated until stopped by an action of the user”. However, Figure 14, 4<sup>th</sup> box (move the cursor ( $XD=XN-X0$ ,  $YD=YN-Y0$ ) shows the relative calculations for movement of the cursor that would be equivalent to the calculations necessary for relative movements of a mouse to perform the same function. This is taught as an alternative to commands such as up, down, left, right, etc. that would mimic individual keys for cursor control.

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The argument that movement of an indicator “unabated until stopped by an action of the user” is not taught is not convincing because of the teachings of Hansen where the ability to state the specific x and y coordinates (col. 12, lines 1-2) would be the logical equivalent of an action by the user to move an indicator until the desired coordinates are reached. See also, Hansen’s claim 3 which allows voice commands to control a cursor of said existing computer as if said voice commands came from pressing cursor control keys. Such pressing of control keys requires an indication of movement in a direction (i.e. – up, down, left, right) until given an indication to stop such movement. The literal keyboard equivalent would be to press a direction of travel key and press it again to stop or to press and hold the direction key and release it to stop. Hansen has a more general statement in claim 10 indicating selective cursor control with cursor control device... or ...a cursor command. Thus, the obvious spoken equivalents would be: move up/down/left/right...stop.

### Remarks

8. The applicant’s arguments are not persuasive and are addressed above. In particular, various operating systems are considered inherent in a computer and are therefore no longer explicitly addressed.

9. Because a new ground of rejection is made under 35 USC 102, this action is non-final.

10. Some correspondence may be submitted electronically. See the Office’s Internet Web site <http://www.uspto.gov> for additional information.

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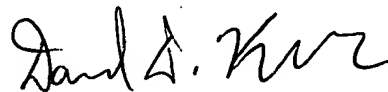
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607.

The examiner can normally be reached on Monday - Thursday from 8:00 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth, can be reached on (571) 272-7843.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper  
Primary Examiner  
Art Unit 2626